

Summary of Changes

Geothermal Drilling

The original version of the Nevada Sagebrush Landscape Conservation and Economic Development Act directed the Secretary of the Interior to select geothermal development sites in several counties throughout Northern Nevada and to complete a new programmatic environmental impact statement (PEIS) to analyze their development. The revised draft directs the Bureau of Land Management (BLM) to establish within one year a new categorical exclusion under the National Environmental Policy Act (NEPA) for geothermal drilling activities on federal lands in Nevada already identified through the 2008 geothermal PEIS. The intention is to allow geothermal companies to more easily locate and permit their projects. The new language would not limit the BLM to specific counties and would provide a stronger benefit to geothermal companies. The new draft also addresses concerns about NEPA sufficiency.

Covered Land Conveyances

The first discussion draft had a placeholder for language for conveyances that would provide certainty to industry in Nevada. The language for these conveyances has been included in the revised draft.

Required Land Disposals

Local ranchers, governments and businesses have all expressed interest in acquiring lands that the BLM has identified for disposal but has struggled to sell under existing law. The new draft requires the BLM offer for sale a minimum of 15,000 acres in each of Churchill, Elko, Eureka, Humboldt, Lander, Nye and Pershing Counties within 5 years of enactment. Since adjacent land owners would have the first opportunity to purchase these lands, this provision will help consolidate ownership of some of the “checkerboard” lands in northern Nevada. It will also provide local ranchers an opportunity to acquire inholdings to provide long-term certainty for their operations. Finally, the BLM will be required to provide a report on this initiative in an effort to make future appropriate disposal easier.

Local Land Conveyances

The initial draft contemplated targeted conveyances of land at fair market value for economic development purposes and at no cost for local government services. Washoe County has provided its initial requests for such conveyances, which are included in the revised draft. Other counties and local governments are encouraged to submit proposals for land that is needed to grow their economies and to provide community services.

Wilderness

The original discussion draft included a placeholder for conservation of sage-grouse habitat by providing permanent protection in unresolved Wilderness Study Areas (WSAs) and Inventoried Roadless Areas (IRAs)—both of which are currently off-limits to development—that overlap with sage grouse habitat by designating them as wilderness. The draft did not outline which areas would be considered, but Senators Heller and Reid circulated a map shortly thereafter outlining what areas were under consideration for designation. The revised draft would designate fewer areas as wilderness and the IRAs that were originally being considered have been removed from the proposal. Additional comments on specific areas and boundaries are encouraged.

Language that allows stronger action in wilderness for wildfire and other threats to habitat was also added.

Potential Wilderness

The first draft included a placeholder for a designation called “potential wilderness.” The intent for this section was to identify WSAs or IRAs that needed active habitat restoration work and allow for that work to move forward by delaying the designation of wilderness. Mechanized treatment could occur within the areas for up to ten years. A variety of stakeholders expressed strong concern over a potential wilderness designation, so this concept has been removed from the revised draft.

Conservation Fees (now Habitat Conservation Measures)

The original discussion draft directed the federal land managers to collect conservation fees on development located on Federal land identified as “priority sage-grouse habitat” and “general sage-grouse habitat” of \$750 per acre and \$500 per acre respectively. The revised draft differs in that it provides the authority to collect fees on land as one of many other options to manage the habitat, including habitat conservation plans or other mitigation measures. This allows the agencies to be flexible in what mitigation they prescribe, but gives them the option of collecting fees. The revised draft also defines development more clearly as surface disturbance on Federal land that is pursuant to approval of a “lease, right-of-way, development plan or plan of operations” by a Federal entity. In addition, it exempts any development that is approved before the bill passes, any development that is a reauthorization of existing rights, or any development that voluntarily participates in a sage-grouse plan that is approved by the Secretary of the Interior.

Special Account

The initial draft included language to create a special account to fund sage-grouse habitat work in Nevada. It would be funded through the land sales and fees in this legislation. Of the money raised, 15% would go to the State of Nevada to implement its conservation credit system and the remainder would be available to the Federal agencies (with input from the local governments) for sage-grouse habitat restoration. The revised discussion draft allows for several additional uses of the special account including for public-private partnerships on private land. This would allow private landowners to apply for funds to help protect habitat on their property.

Determination of Listing

This section was not included in the original discussion draft. This title would require the Secretary of the Interior to take into account all the conservation measures and funding this bill would provide before making a listing decision on the Greater sage-grouse.